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THE

Genuine Trial

OF

JOHN B. GAWLER, Esq:

FOR

CRIMINAL CONVERSATION

WITH THE

Right Hon: LADY VALENTIA,

TRIED

On THURSDAY, May 19, at GUILDHALL, before Lord KENYON, and a SPECIAL JURY.

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1795

[PRICE ONE SHILLING.]

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THE TRIAL

OF

JOHN B. GAWLER, Esq.

For Criminal Conversation with

LADY VALENTIA:

Tried in the Court of KING's BENCH on Thursday, May 19, 1795.

THE case was opened by Mr. BEST, who stated this to be an action brought against the defendant, John Belenden Gawler, for having had Criminal Conversation with Lady Valentia at various times, by which his Lordship had been deprived of her society, &c. The damages were laid at *Ten Thousand Pounds*. The defendant pleaded Not Guilty.

Mr. ERSKINE observed to the Jury that they had heard from his Learned Friend, who opened the Pleadings, the nature of the injury of which Lord Valentia complained; and he took it for granted as a part of the public, that they must have had previous knowledge of this business through the various channels of information, which it was not only the characteristic, but the peculiar advantage of a free country to possess. There were circumstances belonging to this cause so extremely singular and extraordinary, that the Jury who lived in this great town, could not be altogether strangers to them. As Counsel for Lord Valentia, he had no

heſitation in ſtating, that his client was one of the moſt unfortunate of human beings, and that he muſt continue ſo for the reſt of his life, or muſt be reſtored, if reſtored he could be, to part of his happineſs by the verdict of the Jury. There was no ſort of cauſes that created ſo great embarraſſment in his mind as cauſes like the preſent: and he was very ready to ſuffer any loſs of employment which might ariſe from this public communication, and he ſpoke ſincerely, that there was no Gentleman ſo little qualified as he to conduct cauſes of that ſort. When he looked back on his profeſſional life, and recollected the almoſt innumerable times he had been called upon in this memorable age, to make the complaint which he was then making, he could not help recollecting the various modes in which he had addreſſed Juries, and the images that preſented themſelves to his mind on thoſe occaſions, and he fancied he heard his learned friends from behind him ſay, "What, the ſame dull ſentences drawled over and reiterated for 18 years." When the Jury recollected how much the proſperity of any country depended on the morals of the people, and eſpecially when they conſidered that the corruption of morals had been the fore-runner of the greateſt calamities, it was their duty, in the adminiſtration of juſtice, to take care how they performed their part, in publicly beating down immorality, and ſtigmatizing vice, not only in the caſes of thoſe perſons who had been obliged to complain of the loſs of happineſs, and the deſtruction of every thing that could be termed proſperity; but they would alſo take care that the example of their judgement might operate on the public at large. The learned Counſel ſaid, it had frequently happened to him to hear his Lordſhip's ſentiments on this ſubject, and it was unneceſſary for him to expreſs that gratitude which he, as one of the public, felt for his

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Lordſhip's uniform conduct in the trial of theſe cauſes.—He did not deſire to exaggerate, or to miſrepreſent the nature of this caſe. The injury muſt depend, and it could not but depend, on the various circumſtances which conſtantly occurred in ſimilar caſes; and hence this ſpecies of injury had been divided into different claſſes, which the learned Counſel minutely deſcribed.

The circumſtances of this caſe were ſhortly theſe: Lord Valentia in the year 1790, was married to the Hon. Ann Courtenay, daughter of Lord Courtenay. His Lordſhip was then about 20 years of age, and Lady Valentia 16 and ſeven months. His Lordſhip became acquainted with the two ſons of an Attorney, who had lived in Eſſex-ſtreet, of the name of Gawler. One of them was the defendant, and his brother, Mr. Henry Gawler, was a Barriſter, and one of Lord Valentia's Truſtees. In conſequence of this a great intimacy took place between Lord Valentia, and all the members of this family. Lord Valentia was a very young man, and a very unſuſpecting man; and certainly he had no juſt reaſon to ſuſpect a man who was connected with him by the cloſeſt confidence. The defendant, however ſported with every thing that was, the moſt ſacred among mankind, and took advantage of the abſence of this Noble Perſon, who was driven from home, on account of the embarraſſed ſtate of his affairs. The defendant took that opportunity to complete the ruin and deſtroy the comfort of this young creature, who had given the Plaintiff a child he could hardly call his own, and another which he certainly could not. He apprehended that Gentlemen of the deſcription of the Jury muſt feel that every thing a man could call comfort was deſtroyed, when he was placed in the ſituation in which the Noble Plaintiff ſtood. After a man had gone through the younger part of life, and had become familiar to thoſe things which gave us the greateſt pleaſure in the opening of life, in the latter part he had no other

conſolation but that of looking forward to the duties he had to perform to the riſing generation, and to continue the honours of his family in thoſe who were ſprung from his loins. The plaintiff's more aged father, and his more aged mother had been thrown into diſorder and diſtreſs. There was nobody to inherit. He had no houſe. He had no partner; and would to God that that were the ſum and ſuſtance of his diſtreſs.

The Jury muſt have been informed through the means of thoſe vehicles which are ſo eſſential in a free country, he meant the Newſpapers, that ſome of the parties in this cauſe had been before the court laſt term.—He would not go now into that ſubject—it was one he abhorred to mention. Whether that ſubject was to be revived again as a defence to this cauſe, he knew not: however, he would not anticipate it.—Though it was not in his power to ſtate exactly to the Jury what caſe the defendant would lay before them, yet his general experience in caſes of this nature led him much to ſuſpect.—The ſyſtem upon which the Adulterer proceeds, is almoſt the ſame in every caſe. After having ſeduced the affections of the wife, he then draws from her every information which, he thinks, will tend to blaſt the character of the huſband.—His whole life, from childhood upwards, is inveſtigated with malignant accuracy: all the errors into which he may have fallen, all the imperfections and frailties which too often attend the beſt and wiſeſt men, are collected together, and blown up, till they burſt, like a volcano, on the head of the unfortunate huſband, who ſeeks for redreſs. It happened however ſometimes, that this volcano burſt too ſoon to do injury, as it did in the preſent caſe. The attempt made laſt term had failed; whether they would revive it or not, he did not know; if they did, he ſhould be prepared to meet it. Mr.

Erſkine

Erſkine then proceeded to detail the facts of the caſe, which he called the following witneſſes to prove.

ROBERT PHAYRE, Eſq.

Depoſed that the marriage between Lord Valentia and his Lady took place on the 6th of September, 1790.—He was firſt couſin to his Lordſhip and had reſided in his houſe for ſeveral months in the year 1792, and from all that he ever ſaw Lord Valentia appeared to be a kind, affectionate, indulgent huſband. He was acquainted with the defendant, John Bellenden Gawler, and with his brother Henry Gawler, who is a truſtee for his Lordſhip in ſome ſettlement. He ſaw the defendant laſt November at his brother's chambers—he then ſpoke in a very indelicate manner of his connection with Lady Valentia.

On his *Croſs-examination* by Mr. GIBBS, he admitted there were ſometimes little differences between Lord and Lady Valentia, but that they ſeemed to ariſe from ſudden guſts of paſſion, and were not more he believed than all people were ſubject to.

Mrs. PHAYRE,

Wife of the above witneſs, confirmed the evidence which he had given, as far as reſpected the kindneſs and indulgence with which Lord Valentia had treated his Lady.

MARY KENAMORE

Said ſhe lived at preſent with the Earl of Stamford, and attended on his Lordſhip's daughters, Lady Emilia Gray and her ſiſter. She had lived in the ſame ſituation with Lady Valentia for four years and an half. She lived with her at the time of her marriage, and was preſent at it. She conſtantly lived in the family, and remembered Lord Valentia

lentia going abroad. From the time of his marriage till the time he went abroad, ſhe had a good deal of opportunity of obſerving his behaviour to Lady Valentia, and ſhe always thought it was kind and affectionate; and ſhe never heard her Ladyſhip complain. She ſaid, Lady Valentia placed confidence in her, and if ſhe had been diſſatisfied with his Lordſhip's conduct, ſhe probably would have communicated it to her. She never ſaw any reaſon to change this opinion which ſhe entertained of his Lordſhip. She had reaſon to ſuſpect Lady Valentia's fidelity to her huſband after he had gone abroad. When her Ladyſhip was at Ramſbridge, the ſeat of old Mr. Gawler, in Hampſhire, the witneſs was alſo there to wait on her. The defendant, John Gawler, ſlept in a room oppoſite to Lady Valentia's; and one night, after ſhe, the witneſs, left her ladyſhip undreſt in her bed-chamber, and going to bed, ſhe went back again to her lady's room door, and heard Mr. Gawler's voice in her room. She was certain it was Mr. Gawler. She went back, becauſe ſhe ſuſpected Mr. Gawler had gone into her room, as his own room door was open. She examined her ladyſhip's bed the next morning, and thought from the appearance of it, that two people had ſlept in it. When ſhe heard Mr. Gawler's voice in Lady Valentia's room, the door of her chamber was then ſhut.

On *Croſs-examination*, ſhe ſaid, ſhe had no cauſe to ſuſpect Lady Valentia before her huſband went abroad, except that ſhe once ſaw Mr. Gawler riſe up from her ladyſhip's lap, which made her think her ladyſhip had a partiality for him. She always thought that Mr. Gawler was a friend of Lord Valentia. There was no execution in Lord Valentia's houſe at Arley, though executions were talked of.

Lady LUCY MAXWELL

Said, ſhe was the ſiſter of Lord Valentia, and had viſited at her brother's houſe, after his marriage. He appeared to her

her to be an uncommonly kind huſband, and whenever Lady Valentia had any wiſh, ſhe had only to expreſs it, to have it gratified. No quarrel took place while ſhe was at his Lordſhip's houſe; but there was a coolneſs between her and Lady Valentia, owing to her thinking that Lady Valentia paid rather more attention to Mr. Gawler than ſhe thought was right.

Mr. DUGARD

Lived in the neighbourhood of Lord Valentia, and viſited often at his houſe. He had ſeen Mr. Gawler there, who ſeemed to be on a moſt friendly footing with the whole family. He obſerved the conduct of Lord Valentia to be truly affectionate towards his lady at all times.

Mrs. DUGARD

Gave evidence to the ſame effect.

Mr. MAXWELL

ſaid, he was the ſon of the Biſhop of Meath, in Ireland, and was the huſband of Lady Lucy Maxwell. He had been very frequently in company with Lord and Lady Valentia. He had been there ſix weeks at a time, and they had viſited him and his father in Ireland; and, from the whole of his obſervations on his Lordſhip's behaviour towards his lady, he thought he never ſaw a man more attached to a woman than he was to his wife. Sometimes there appeared thoſe little paſſions that interrupted the harmony of families; but theſe were of very ſhort duration. But his Lordſhip was diſtractedly fond of her, and was ſo, conſiderably to the prejudice of his fortune. She alſo, when in Ireland at his father's, appeared to be very fond of his Lordſhip.—But, however, when he was upon a viſit at his Lordſhip's at Arley, in the ſummer of 1792, he obſerved, ſoon after the defendant came to the houſe, where he was received

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as an intimate and confidential friend, her Ladyſhip's conduct was then much altered, not only towards Lord Valentia himſelf, but towards all his friends and connections. Mr. Gawler always behaved with the greateſt propriety in the preſence of Lord Valentia; and he never ſhould have ſuſpected him in his Lordſhip's abſence, but from what he knew of Mr. Gawler's character. He never ſaw Mr. H. Gawler at Lord Valentia's houſe.

On *croſs-examination*, he ſaid, he certainly did entertain ſuſpicions of Mr. Gawler's deſign to ſeduce Lady Valentia. Lord Valentia certainly knew Mr. Gawler very intimately. He did not communicate his ſuſpicions to his brother-in-law; and his reaſon for not doing ſo, was, that he had previouſly given Lord Valentia his opinion of the Gawlers, and told him they would be his ruin. Lord Valentia entered into a very warm vindication of the honor of the Gawler's, and took their part ſo ſtrongly, that he thought it would be in vain to impreſs on his Lordſhip's mind any ſuſpicion of the evil intentions of the defendant; and he did not like to embroil himſelf with the family, when he had no direct proof againſt the defendant. He thought Lady Valentia was rude both to Lady Lucy and to himſelf; and he thought that was in conſequence of the influence of the defendant, and wiſhing to get his lady and himſelf out of the houſe. Lord Valentia went abroad from the embarraſſment of his circumſtances. In June, 1793, he went to Lord Valentia's houſe in the country, when he found Mr. Gawler there:—his, the witneſs's buſineſs there, was to bring his Lordſhip up to town; he brought Lord Valentia up to town for the expediting the payment of Lady Lucy Maxwell's fortune, which was to be paid by Lord Valentia. When they came away, they left the defendant, Lady Valentia, two French ladies, and one Engliſh lady, in the country at Lord Valentia's houſe. At the time he

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was ſpeaking of, the plaintiff was turned of 21, Lady Valentia was above 18, and he believed the defendant was about 34 years of age.

Mrs. BEAVER,

Who had lived in Lord Valentia's family as houſekeeper, ſaid, that he always appeared a kind indulgent huſband.

This was the caſe on the part of the plaintiff.

Mr. GIBBS ſaid, That previous to the obſervations he ſhould have to make to the Jury, it might be neceſſary ſo far to refer to ſome matters which had been ſuggeſted againſt Lord Valentia, as to ſay, he ſhould introduce nothing of that nature in the preſent caſe;—his lordſhip had met thoſe imputations by his oath, which he did not mean to refute, but rather conſider he had by that ſufficiently purged himſelf of thoſe charges, and cleared himſelf by his own teſtimony. The defence he was about to make, as the Jury would find, was upon a very different ground; and God forbid that he ſhould ever ſtand up in that Court to maintain that juſtice was not open to the injured huſband againſt the violater of his marriage felicity; or that the huſband was not entitled to exemplary damages in every fair caſe, and which was clearly made out:—Nay, he knew no better rule to go by; nor did he think his learned friend would deſire more, than that the Jury ſhould meaſure the extent of the damages by what appeared to them to be the feelings of the plaintiff himſelf;—and he ſhould be perfectly content with them to put the caſe in this way—to ſuch an extent did you feel the wound, and therefore in ſuch a proportion will we give.

As the damages ought to be aggravated by the ſenſe the plaintiff had of the injury, ſo they ought to be leſſened by his miſconduct, a circumſtance which had appeared in that court to be of ſuch a nature, as to cut up the ground of

complaint from under his feet; for if it ſhould appear that the whole of the plaintiff's conduct was licentious, abandoned, and profligate; that he leaves his wife with a perſon whom he knows to have a deſign upon her virtue, not only uncautioned, but even countenancing opportunities for the purpoſe to effect his deſign; why then he could not certainly be entitled to conſiderable damages. For then thus would the caſe ſtand, and ſuch was not without example, that the huſband blinks at the progreſs, and connives at the injury, that ſo he might afterwards complain, and ſeek a reparation in money;—but ſurely it was impoſſible that caſes ſhould procure heavy damages, in which proſecution did not go hand in hand with morality.

It appeared by his inſtructions, that in this caſe, ſoon after Lord Valentia's marriage, from ſome pique he had taken againſt the Cavendiſhes, to defeat any proſpect of theirs, that he wiſhed for heirs; and ſo little regard had he for, or delicacy towards his Lady, that he repeatedly expreſſed himſelf, that ſo ſhe had a ſon, he did not care by whom;—this it might be urged, was ſaid in jeſt, but ſurely it was a ſtrange kind of jeſt to be uſed among his young companions; nor was it very ſtrange that ſome of them ſhould conſider it as a ſerious hint. But it did not end here, for after the lady had been delivered of a ſon, he then, and in public declared, that he knew the child was none of his, but the defendant's. Now was it hardly poſſible to ſuppoſe, that a man could be ſo dead to his own feelings—ſo inſenſible to the ſweets of poſſeſſing a virtuous wife, as not to care about her proſtitution. Could ſuch a declaration be perfectly innocent?—For what could exceed the natural reſentment of a man, when he diſcovered the child brought forth by his beloved wife, was the offſpring of another?—If he had lamented the loſs of what he had conceived to be a bleſſing, would he have ſported

with

with the reputation of his wife in the wantonneſs of the table? Would he have avowed it in public, and in a converſation, as it would appear in evidence, that was diſgraceful to himſelf?—When he made the diſcovery, would he not have diſcarded the deſpoiler of his peace, if ſo he had conſidered him, and treated him as a man whom he would proſecute with the utmoſt ſeverity of the law, and not have continued him in his confidence and friendſhip? What would the Jury think, if afterwards the plaintiff, in a mixed company, ſhould talk of it as a thing publicly known, and in the preſence of the defendant, without ſhewing the ſmalleſt reſentment? What muſt be their concluſion on ſuch a conduct? and he had no doubt but his Lordſhip would tell them, that when a huſband gives repeated opportunities, the conſequences muſt be attributed to conſent and connivance, and that he therefore was not entitled to ſeek recompence in a court of juſtice. He was really aſhamed to repeat what followed; but it was his duty to ſtate he ſhould produce witneſſes that the plaintiff went afterwards with the defendant to a common brothel, and that in the way, in words to groſs for repetition, he cautioned the defendant to be careful, leſt he ſhould convey diſeaſe to his the plaintiff's wife. So that he not only thought the defendant had done, what he now complained of as an injury, but even expected him to repeat it. What could they feel for ſuch a man! or how could his feelings be reſpected by the Court! Never before, he believed, was ſuch a thing heard of; nor did he think the hiſtory of the law could furniſh ſuch a caſe; or that it was poſſible for a man to recover damages for that which he had countenanced himſelf.

But now, proceeded Mr. Gibbs, let us look a little into the plaintiff's own caſe, according to his near relations; Mr. Maxwell ſtates, that from coupling ſomething he

knew in Mr. Gawler's character with what he obſerved in 1792, he had no doubt of his deſigns; and Mrs. Maxwell ſays, that from the improper conduct of lady Valentia in 1792, there became a coolneſs between her and lady V.—but Mr. Maxwell did not communicate his ſuſpicion to Lord Valentia; indeed he aſſigns as ſome kind of reaſon, that it was becauſe he knew the Plaintiff would not give credit to any thing againſt the Defendant. It was true he (Mr. Gibbs) was but little acquainted with the Rule by which young men of faſhion guided their ideas of morality, but he muſt confeſs this appeared very ſtrange to him. In 1793, Mr. Maxwell came again to England, and going down to Arley, he there finds Lord and Lady Valentia, Mr. Gawler, one Engliſh, and two French ladies; and then, notwithſtanding his ſuſpicions, he brings Lord Valentia to town, leaving the lady, alone as it were, with the defendant, without her huſband, and without her protector. It was alſo ſtated that Lord Valentia appeared a tender, good-humoured huſband, but might that not be part of his ſyſtem, and did it amount to much more than an indifference that ſo ſhe was content to let him go one way, ſhe might go another.

Early in the year 1794, Lord Valentia, from embarraſſment in his circumſtances, was obliged to go abroad, and returned about April;—between that time Lady Valentia, being left without means or money, went down to the houſe of the defendant's father at Ramſbridge; thither Lord Valentia took down the defendant, and it would appear by the teſtimony of a clergyman of the name of Bailey, that the plaintiff, ſoon after his arrival, took an opportunity of ſaying to him, "I know the world ſays Gawler lies with "my wife, but I have brought him down to convince the "world it is with my approbation they are together." Not ſatisfied with this, although he had arrived at Ramſbridge but

but about twelve o'clock that day, he told this clergyman that he ſhould ſet off before the family were up in the morning, and agreeably ſurpriſe Gawler by leaving him behind. After this, in the year 1795, while the lady was living at Appleſhaw, the plaintiff went there and found Gawler, but ſo far from ſhewing any reſentment, he ſuffered the defendant to bring him in his phaeton to the firſt poſt town in his way to London, and then to return by himſelf to his wife. What light the plaintiff muſt appear in the eyes of the Jury it was eaſy to conceive; he had been the promulgator of his own ſhame, he had publicly talked of it with indifference, he had not ſhewn the ſmalleſt reſentment, but according to this had approved and facilitated the crime, and therefore it was more reaſonable that he ſhould proclaim it by the bellman in the public market-place than come there to ſeek for damages.

Rev. Mr. BAILEY

Was then called, who gave in evidence that he knew Lord and Lady Valentia and Mr. John Gawler; that in the Autumn of 1793, he viſited them in Conduit-ſtreet, ſaw Gawler there, and conſidered Lady Valentia's conduct towards him as very particular, eſpecially before the eyes of her huſband. He was at Mr. Gawler's, at Ramſbridge, about May 1795, when Lady Valentia was there, and perfectly recollected Lord Valentia coming there about 12 o'clock one day and bringing Mr. John Gawler with him: ſometime after they came, as Lord Valentia and he, the witneſs, were walking upon the lawn, his lordſhip ſaid, in very groſs terms, which in ſubſtance were that he knew the world ſaid Mr. John Gawler was intimate with his wife, but to convince the world that their being together was entirely with his approbation he had brought him down. Lord Valentia alſo told the witneſs that he intended to go away in the morning before the family was up, but deſired

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he would not mention it, but particularly to Gawler, as he intended to ſurpriſe him by leaving him behind. As he ſaid he would, his lordſhip roſe very early the next morning, went to the next town, and took a poſt-chaiſe to Southampton.

Mr. GIBBS wiſhed Mr. Bailey to relate the very words Lord Valentia had made uſe of.

Mr. GARROW ſaid there could not be any neceſſity for that, as they were willing to take them in the full ſenſe of groſs and indelicate.

The Rev. Mr. BAILEY, on his *Croſs-examination* by Mr. Garrow, ſaid, that he had a cure about eleven miles from Ramſbridge, which was the name of a ſeat and not a village;—that he frequently viſited at Ramſbridge, and ſometimes ſtaid there for a fortnight at a time—that he believed Mr. Henry Gawler's family were much concerned in Lord Valentia's Affairs—that there was no particular connection between him and the Gawlers—that Ramſbridge had belonged to his father, who, at one time, had a large fortune, and whoſe affairs had been managed by the elder Gawler, but that his father had been dead between eight and nine years—that for his own part, beſides his cure he had an independent fortune, by way of annuity, but which was not paid him from Mr. Gawler as out of his father's eſtate, of which he, Gawler, had become poſſeſſed—that he was introduced to Lord Valentia by this family;—he was not ſurpriſed at his lordſhip's going away that morning—and although he heard his affairs were ſomewhat deranged, he had no reaſon to know he was likely to be arreſted either there or if he went to London.

Upon his *re-examination* Mr. Bailey ſaid his father was twice married; that he was of the firſt; that the ſecond was the neice of the Duke of Somerſet, with whom he had a great fortune.

Mr

Mr. FERGUSON

was next called;—he knew Lord Valentia, and the defendant—in the courſe of laſt ſummer, he dined with them more than once, at Mr. Henry Gawler's, in Bedford-ſquare.—Mr. Henry Gawler was not at home the firſt time; but he recollected Mr. Woolſley was one of the party. The converſation was general, and he conſidered many ſentiments of Lord Valentia as reprehenſible, though he would not undertake to ſwear to more than two, which had ſtruck him very forcibly; the firſt was, in ſpeaking to the defendant, he ſaid, "Jack, I don't know whether this child of which Lady Valentia is pregnant, will be your's, though the laſt was"—and this he ſpoke without the ſmalleſt ſign of anger. After this, though he could not ſay whether it was at table, or in the coach, Lord Valentia, again addreſſing himſelf to the defendant in the groſſeſt terms, deſired he would not go the place they were going, leſt he ſhould get into ſuch a ſtate as to injure his wife; they however, went to the place together, and he thought the plaintiff expreſſed ſome diſappointment.

Croſs-examined by Mr. ERSKINE.

He ſaid he had no acquaintance with Lord Valentia before—the company conſiſted of about eight or nine, ſome of whom he ſuppo ed knew Lord Valentia very well—thoſe he had mentioned were the only expreſſions he could undertake to repeat upon oath, though there was a great deal of licentious converſation—the firſt was immeately after dinner, and he believed in ſobriety—could not poſitively ſay whether Lord Valentia was perfectly ſo;—it ſtruck him as a very extraordinary expreſſion, though the converſation was carried on in a familiar and jocular manner—it was day-light when they went into the coach—he had been twice in the plaintiff's company ſince, and he knew

knew there was a great intimacy between him and Gawlers.

On his *re-examination*, he repeated that Lord Valentia's expreſſion appeared to him a very extraordinary one and that he uſed others of a ſimilar tendency.

Mr. WOLSELEY

Said that he was at Arley in 1792, and as they were walking, Lord Valentia came up to his lady, and ſaid "I have juſt had a pretty girl," or ſomething to that effect, which he underſtood to mean he had been with another woman;—to this ſhe replied, that ſhe did not care.

On his *croſs-examination*, it appeared that he was on a viſit at his lordſhip's houſe, and that he would not undertake to ſay that Lord Valentia, by the expreſſion ſeemed to wiſh to inſult the lady;—it was ſpoke jocoſely, and ſhe replied with equal good-humour. As far as his obſervations went, he had always conſidered his Lordſhip as an indulgent huſband.

Mr. HENRY GAWLER,

A barriſter, and brother of the defendant, ſaid, that he had been acquainted with Lord Valentia between eight and nine years; he believed he and his brother had been introduced to him by Henry Cavendiſh at the ſame time:—a very great intimacy took place between his lordſhip and the defendant, much more ſo then with him. He remembered that his lordſhip, after his marriage, went to reſide in the country, and he believed his brother viſited him there. In the year 1792, he underſtood that ſome differences had taken place between the Cavendiſhes and Lord Valentia, and upon that occaſion he had repeatedly heard the latter expreſs a wiſh that his lady ſhould have a child, to cut out them, let who would get it; indeed, he fre-

quently indulged himſelf in looſe expreſſions, and in groſs terms would charge the defendant with being intimate with his lady: one day in the year 1793, he went farther, and told the witneſs that he believed he, as well as his brother, was intimate with his wife; by no means expreſſing himſelf in anger, but with perfect good humour; and in ſhort, he was in the habit of talking of his lady in this looſe manner, and with perfect indifference. In January or February, 1794, from the embarraſſment of his affairs, his Lordſhip thought it expedient to go abroad; he returned again, he believed, in the April or May following. Upon his going abroad, his houſekeeping was neceſſarily given up, and as Lady Valentia was thus left deſtitute, ſhe was recommended to go down to his (the witneſs's) father's at Ramſbridge, and where ſhe remained till he came back. On his Lordſhip's return, he ſent for the witneſs and his brother; they went to him, and afterwards he recollected that he took the defendant with him down to Ramſbridge, where Lady Valentia then was, and he believed left him behind.

Croſs-examined by Mr. GARROW.—When Lord Valentia ſaid he believed him to be alſo intimate with his wife, he did not recollect that he made him any anſwer, he believed he laughed at the time; but he was certain no conduct of his had warranted ſuch a charge. He certainly had his ſuſpicions of his brother and the lady, yet he did not remember ever to have given him any caution, or to have related the converſation which had paſſed between him and his Lordſhip. Both he and his brother were introduced to Lord Valentia, ſince when he certainly had become a truſtee in his Lordſhip's concerns under a deed of ſettlement; he had become ſo under the directions of Mr. Roberts, who had the management of Lord Valentia's affairs, and not upon the marriage, but

upon a tranſaction which had ſince taken place. The defendant he knew was very frequently at his lordſhip's houſe, and he admitted that he ſuſpected there was an improper intercourſe between his brother and the Lady, before Lord Valentia went abroad, yet he did not oppoſe her going down to Ramſbridge; nor communicate to his father his ſuſpicions, that he was going to admit an adultereſs into his houſe; nor to the beſt of his knowledge was the defendant down at Ramſbridge while his Lordſhip was abroad.—It might have been ſo ſworn but if he was there, it was not with his knowledge.—

The lady, he believed, reſided at preſent in Sloane-ſtreet, but he could not tell whether his brother had viſited her withinthe laſt month.—He (the witneſs) went to her on the 2d of May, accompanied with a Mr. Maxwell, (not the former witneſs) with the knowledge of his brother;—he admitted he had prepared an affidavit for her, but he had his doubts whether he had communicated it to the defendant before it was exhibited: the reſiſtance to the hæbus corpus, (which the court had granted Lord Valentia during the laſt term to take away the child from Lady Valentia) was certainly with his knowledge, as it was on the day the affidavit was filed.—On that occaſion ſhe had not applied to her own Attorney, at leaſt the buſineſs was done by the Attorney who was the defendant's ſolicitor in the preſent cauſe: the inſtructions were certainly given from her to him. Jane Snow lived at this time with Lady Valentia;—he admitted that he had examined her for the very purpoſe of that affidavit, it was a joint one; and it was after theſe converſations with her and the lady that it was drawn up. Lord Valentia, he acknowledged, reſided in his houſe in Bedford-ſquare, for about a fortnight towards the end of the year 1795:—During which time there were ſeveral dinners, at which many young men were preſent, and his brother he believed among the reſt when he was in town;

but

but he could ſay but very little about them as he himſelf was rarely preſent.

Lord KENYON.

What then am I to underſtand Lord Valentia as your confidential friend?

Mr. HENRY GAWLER.

By no means, my Lord; quite the reverſe;—but rather as a perſon for whom I had neither regard or eſteem.

Lord KENYON.

Am I then to take it that you invited a perſon to reſide in your family for whom you had neither regard or eſteem?

Mr. HENRY GAWLER.

Certainly! he was ſo—I highly diſapproved of his conduct and manners, and had never maintained any particular intimacy with him.

Lord KENYON.

How came he then to be received in your houſe?

Mr. HENRY GAWLER.

He was afraid of being arreſted, and therefore at his own requeſt and that of my father, I was prevailed upon to let him be there until ſomething could be done in his affairs; though it was againſt the advice of all my friends, and in ſome meaſure againſt my own conſent.

Mr. GARROW *proceeded in his Croſs-examination.*—Mr. Gawler denied that he had ever ſaid in the preſence of Mr. Maxwell, that it would be more advantageous for Lord Valentia to proceed no further, for if he perſevered a charge

of an unnatural nature would be adduced againſt him;—but he admitted he did ſay, that if what Lady Valentia ſaid was true, ſhe was the moſt injured woman in the world, and that inſtead of bringing her into court, for his own credit he had better let the matter drop:—he had alſo more than once ſaid if his advice was taken nothing of that ſhould be introduced in this cauſe:—he had afterwards prepared the affidavit, but he never received any directions from his brother. In the ſeveral meetings he had had with Mr. Maxwell, he had communicated all to him, and was rather ſurpriſed at its now being introduced. He believed his brother had been to Lady Valentia ſince ſhe reſided in Sloane-ſtreet, though not lately; yet he would not undertake to ſay how long it was ſince he left off viſiting her.

Mr. WINGFIELD

Was acquainted with all the parties.—In the year 1793 he dined with them; the defendant was there;—and he noticed that before dinner her ladyſhip talked with no other perſon;—he ſat by her the whole time at the table, and it appeared to the witneſs that he was very particular in his attentions, notwithſtanding Lord Valentia was preſent. In the hot weather laſt ſummer he dined twice with his lordſhip at Mr. Henry Gawler's, in Bedford-ſquare:—On the firſt time, juſt before dinner, it being underſtood that the defendant was going down to Hampſhire to ſee Lady Valentia, his lordſhip gave him a meſſage to carry to her, ſaying, "he does all my buſineſs with my wife for me;"—on which expreſſion the witneſs then made no remark. When they dined there the ſecond time, his lordſhip was very looſe in his converſation reſpecting his lady, and very early, either before the cloth was removed, or juſt after, he ſaid, "that whoſoever's child it might be his wife was then pregnant with, the firſt was the defendant's;" and when he ſaid ſo there was not the leaſt appearance of intoxication

tion. It was afterwards agreed they ſhould adjourn to a Bagnio, and as they were going away, he ſuppoſed it might be about nine o'clock, it was however ſtill daylight, Gawler got into the coach firſt and ſaid ſomething the witneſs did not hear, on which Lord Valentia anſwered, "I always knew you had that ſort of intimacy with my wife, but you never had the impudence to tell me ſo before." and the anſwer ſeemed to be made with ſome degree of aſperity.

On his *croſs-examination*, he ſaid that at theſe dinners they certainly were free in their converſation, and that at the ſecond no doubt ſome quantity of wine had been drank, though not ſufficient to occaſion intoxication; though he would not undertake to ſay they were perfectly ſober when the adjournment was propoſed and agreed to. He admitted that he continued to viſit the lady and had ſeen her within a week; he had frequently viſited her with a Mr. Maxwell, a friend of the defendant's, but he had not been with the defendant into Sloane-ſtreet within the laſt month.

The defendant's counſel then ſaid they ſhould call no more witneſſes, but that here they ſhould reſt their caſe.

Mr. ERSKINE.

Said it was now his duty to make a few obſervations upon the Defence which had been ſet up, and in ſo doing he was under the neceſſity of firſt referring to what had fallen from his learned friend, (Mr. Gibbs) who no doubt had ſpoken from his inſtructions, and ſuppoſing them to be true had impreſſed them with his uſual ability; ſo much ſo indeed, that although he had ſeen eighteen years practice in that court, and from being repeatedly concerned for the plaintiffs in theſe caſes, had heard a variety of defences ſet up, yet he had no difficulty in confeſſing, that from the picture his learned friend ſet out, he made his blood boil with indignation

dignation, and he felt almoſt determined not to riſe, or ſay a ſingle word to the Jury.

Had his learned friend in any manner proved what he had repreſented, he ſhould have ſaid of his own client, that all mankind muſt be impreſſed with abhorrence of his character, and that he ought to be baniſhed out of ſociety, rather than come there to ſeek judgement, or to complain of his having been injured. But even had he been ſo led away, it would ſtill have been incumbent on the Jury not to have determined from diſguſt, but to have cooly and deliberately have ſcrutinized into the fact; to have conſidered that it was but evidence to evidence, and that it was neceſſary to inveſtigate into the conduct and character of the man, and in ſo doing, ſuch men as thoſe he ſaw were to decide upon this caſe, if they felt a doubt could not do better than by comparing it by their own experience. But his learned friend having failed in bringing forward that proof, or producing any thing like it, he ſtood up with more confidence to claim from them a judgement in his favour; and with how much more they might eaſily imagine, when he conſidered it as ariſing from the ſame ſyſtem which had glanced at his life; for a few days ago, a learned gentleman had ſtood up in that court to make a charge of the moſt heinous offence againſt the plaintiff; had that been made out? Had that been proved? No, it had been abandoned.—If ſuch a charge could have been ſubſtantiated, inſtead of having taken up their time by expatiating on any injury the noble lord had received, he ſhould have ſet out by declaring, that under ſuch circumſtances, he ought not to be judged by as a man, for he was ready to admit, the extent of his injury could not be better meaſured than by his feelings; but being eſtabliſhed as a man, he called for juſtice for him as ſuch.

If,

If, indeed, it had turned out otherwiſe; if Lord Valentia had ſtood before them as an S—, what muſt they have felt—what muſt have been their indignation againſt him! What could he have urged in behalf of ſuch a client! it muſt have undermined all he had to ſay, and he muſt have fell before it; but this his learned friend had declined to bring forward, (which if he had, he ſhould have been ready to meet it,) rather chooſing to reſt his defence on Lord Valentia's conſent after the criminal act, and profeſſing he would conſider his lordſhip as having purged himſelf of that charge; but the matter muſt not reſt there, not upon the acquieſcence of his learned friend, that Lord Valentia had ſimply purged himſelf of the charge, for he had done it by the oaths of his family and ſervants; by the teſtimony of all thoſe who were moſt converſant with him, and who were moſt likely to know his character.

But was this all?—Was it not a little neceſſary to enquire from whence this inſinuation ſprung, and upon what occaſion? And if that was done, it would be found to ariſe from his having ſought to protect that child, which it was ſaid he had declared he did not think to be his own. Good God! was ſuch inſinuations to be borne for a moment; were they, though abandoned, to have the effect of prejudice; if they were, and his client was not to be judged as a man, why th he might ſit down, and not trouble them any farther. If this had reſted upon what had been heard, why then the Jury might have had to deliberate upon the veracity, and attributed ſomething to miſtake; but that was not the caſe, and he might ſubmit it to the teſt of their experience, and he knew they would feel there was ſomething more, for the defendant was at this time living with the adulterous authoreſs, and therefore it could not be otherwiſe conſidered than as having been thrown out by way of fighting a bye-battle with Lord Valentia,

but

but in which it was impoſſible but they muſt meet with an ignominious defeat.

His learned friend indeed had ſaid, that his opinion was for always to ſtand upon the preſent ground, and had taken an opportunity to tell them he was unacquainted with the principles that guided young men of faſhion; that he was a ſtranger to their kind of diſcourſe, or what was the ſyſtem of morals in the riſing generation; for his part, though by no means familiar with them, he could not pretend to ſuch perfect ignorance, as not to ſay he was ſorry they were ſo licentious, and that their purſuits ſeemed to lead them from all that was decent and moral; yet licentious as they were, he had not the ſmalleſt doubt that the preſent age had as nice a ſenſe of honour as any of our forefathers; and that there were few, very few indeed, that could tamely bear the degrading ſituation of a cuckold; it was a degradation that a huſband could not get the better of, for if he had not any love for his wife, his pride would make him indignant at being ſupplanted, where every man knew that he, and he alone, had a ſacred right. Were the Jury prepared to ſay that Lord Valentia was ſo entirely loſt to feeling, that, as our immortal bard expreſſes it, he could patiently bear himſelf to be

A fixed figure for the hand of ſcorn,
To point his ſlow unmoving finger at—

Were ſuch common characters, if not, that was a ſufficient anſwer to his learned friend; for he would put it to the Jury, whether they could believe a perſon ſo indifferent to the natural ideas of man, or whether ſuch a thing had ever come to their ears before? But his lordſhip's character ſtood relieved, not from words, but facts, and which facts muſt render him as clear, as though the charge made by this conſpiracy had not been heard; had it been otherwiſe, he muſt have ſtood as hated and de-

teſted, conſidered as incapable of fulfilling the ſocial duties, and deſerving to be expelled from civilized life. But he could not forbear remarking, that according to their own ſtatement, this departure from virtue, this mania, if ſo it might be called, was only upon him while in the houſe of a gentleman ſo nearly related to the defendant; for not one perſon beſides; not a diſcarded ſervant (and it waa well known they were too apt to come forward to ſtigmatiſe the character of a late maſter whom they might have ſeriouſly offended) was called to ſtate any thing to the injury of the plaintiff's conduct: all that had been called had proved directly the reverſe, and therefore when he conſidered all the evidence, he was the more ſtrenuous, conſidering what an effect their verdict muſt have on the public mind.

The attention of the Jury had then been directed by another ſpecies of evidence, as if Lord Valentia had been not only the adulterer, but the inſulting one; for Mr. Wolſeley told them, that his Lordſhip had come and boaſted to his Lady, that he had juſt come from another woman, but even he would not undertake to ſay that the lady thought he meant to inſinuate any thing of that kind; no, the plain fact was, he ſaid, "I have juſt come from a pretty girl," and was there any thing to induce the Jury to determine either from that expreſſion, or the lady's anſwer, that he had not been playing with a child in the next room?—Good Good! if every light expreſſion a man made uſe of in jocularity, was to be thus brought againſt him in a court of juſtice, who was there that could eſcape from being ſubject to a ſerious charge!—But when expreſſions were equivocal, it was the duty of Juries to give them that explanation which their own knowledge of life, their own intercourſe with mankind,

would point out as the moſt likely for them to bear.—What then muſt become of this tremendous tale of the "pretty girl?" What did Lady Valentia think of it? Why this witneſs tells you that ſhe laughed, and ſaid, ſhe did not care;—what, would ſhe have laughed if ſhe had thought it an inſult, or have treated it ſo lightly if ſhe had conceived it an injury—but ſuch was the weak caſe of his learned friend, and he muſt go to market with what eggs he had, or go with his baſket empty.

As to the little inſinuations thrown out on the partiality of Lady Lucy Maxwell, he ſhould paſs them over, as not only her countenance, but the clearneſs and candour with which ſhe had given her teſtimony belied it:—what did the Jury in fact learn from her, why, that ſo doatingly fond was Lord Valentia of his lady, that ſhe had not a wiſh, if ſhe expreſſed it, but he was uneaſy till it was gratified; ſo loving—

That he might not e'en let the winds of heaven
Viſit her face too roughly.—

But did this reſt upon the teſtimony of Lady Lucy Maxwell? certainly not, for the gentleman who had told them the ſtory of the "pretty girl," had completely confirmed it;—he had been with them for a fortnight together, and, except ſome little guſts of paſſion, had always conſidered Lord Valentia as an affectionate indulgent huſband.

What then was there in Lord Valentia's conduct that was unnatural? the inſinuations had been given up, and theſe tremenduous charges which his learned friend had exhibited, were knocked down with a little common ſenſe; and the noble lord in his claim for juſtice ſtands upon his own honour, for it had not been inſinuated, excepting the ſtory of the "pretty girl," much leſs proved, that he had formed an improper connection with any one woman.

Leaving this then he ſhould come to the evidence of Mr. Henry

Henry Gawler, without meaning, however, to throw the ſlighteſt imputation upon him, but it was his duty to notice that gentleman had ſtated, that notwithſtanding his ſuſpicions of Lady Valentia and his brother, he had ſuffered her to go down to Ramſbridge, without giving any caution to his father, and he ſhould be glad his learned friend would explain what this could mean leſs, than that the witneſs knew Lady Valentia was living in adultery in his father's houſe;—and yet Lord Valentia was to be condemned although no adultery was proved againſt him;—he was to be driven out of ſociety without one evidence of fact;—he was to be condemned as having overleaped all morality, all chaſtity, and for what? becauſe he uſed ſome licentious expreſſions when filled with wine:—expreſſions which, thank God, it was not his duty, and much leſs his inclination, to defend. But then this noble lord knew of his wife's infidelity, and had charged the defendant openly with it without the leaſt appearance of anger:—ſo he had done Mr. Henry Gawler, and what impreſſion did it make upon him? why Mr. Henry Gawler tells the court himſelf, that he laughed at it.—After this however his learned friend produced another witneſs who remembers another henious expreſſion of Lord Valentia's, ſpoken in the ſame ſtate of inebriety, in the ſame moments of hilarity and jocular converſation, namely, that the defendant managed his affairs with his wife.—Would any perſon have ſuppoſed it poſſible for ſuch ridiculous trifles to have been produced as ſerious evidence. However, as feeling their weakneſs, his learned friend had uſhered in a reverned divine, no doubt very juſtly ſuppoſing that the name of a clergyman would give weight to them, but he muſt confeſs that if it had been the Archbiſhop of Canterbury (he begged pardon for alluding to any one perſonally, only meaning thereby to ſtrengthen his obſervation,) he would not have believed that any man would boaſt of being a degraded cuckold:—but what did

this witneſs prove, in his opinion nothing more than his lordſhip had the higheſt confidence in the defendant, and that they had before from Mr. Maxwell, who had ſaid, that upon hinting to Lord Valentia the Gawlers would undo him, he had quarrelled with him and his ſiſter, Lady Maxwell;—and here he could not avoid remarking, in anſwer to the obſervations, that Lord Valentia was acquainted with the defendant's and his wife conduct, that Mr. Maxwell declares, ſo cautious were they in their behaviour, he ſaw nothing that led to a bad deſign, and his ſuſpicions aroſe from what he knew of the defendant's former conduct.—But to proceed with Mr. Bailey,—he ſays, that his Lordſhip finding ſomething had been ſaid of his lady and of his friend, in whom he had the greateſt confidence, to ſhew that he gave no credit to ſuch report, he takes him down to the very place where his wife was,—and for what? Why Mr. Bailey tells you, for ſuch is the fair meaning of the words, to defeat the malice of the world, and to ſhew they were together by his approbation. He took the defendant by the arm in the moſt public places, to demonſtrate he did not believe it himſelf, and he was afraid his wife ſhould be thought to be acting improperly, while his deranged affairs obliged him to be abſent. Why was Lord Valentia to be diſpoſſeſt of one of the greateſt bleſſings of civil ſociety, an unſuſpecting confidence in thoſe he loved?—Why was he to differ from all the human race, from the time of Noah, and believe, without any reaſon, his wife and friend were falſe.

To what then did the whole charges againſt Lord Valentia amount?—why that he had made uſe of indecent jeſts, and unbecoming ribaldry; and for eſtabliſhing this, his companions had been called; but if the ſame induſtry had been uſed on his part, he might have produced every man with whom he is acquainted, to prove

what

what he has ſince ſuffered. It ought to be remembered, that it had been ſtated that his anſwer in getting into the coach was made with ſome aſperity;—he ſoon after heard of their infidelity;—had he been with them ſince? Had he countenanced this friend after he was acquainted with his falſehood?—No, from that time he had been almoſt in a ſtate of diſtraction. He had lived affectionately with the beloved of his heart until the defendant took pains to ſeduce her, and rob him of his happineſs;—for was it probable, that a young lady of her connections, ſhould at the age of ſeventeen, become a candidate for ſhame and diſhonour?—Noble in her birth; beautiful in her perſon, and never with any other but the defendant; was it to be ſuppoſed that ſhe ſtrayed from virtue without any ſeduction? To the defendant then was his noble client to attribute the deprivation of his happineſs, for what pecuniary reparation could reſtore him that tranquility he had loſt, yet it was all the Jury had to give him; and therefore they were to conſider whether his peace and character was to be deſtroyed for a few tavern jeſts, they would have to weigh ambiguous expreſſions againſt conduct, and infidelity againſt indulgence, and having ſo done, they would adminiſter that juſtice they felt his due, and with which he was convinced no man would have a right to complain.

Lord KENYON

Commenced his obſervations by remarking, that by the utmoſt exertions of induſtry, abilities and eloquence which had been diſplayed on one ſide and the other, the Gentlemen of the Jury were now in poſſeſſion of the caſe on all the grounds that was laid before them. There was, therefore, very little for him to do. There was, however, a duty for him to diſcharge, which would not conſume much time. In whatever view this cauſe was conſidered, it exhibited a melancholy picture of the times in which we lived.

His

His Lordſhip ſaid, he had been a witneſs, and probably the Jury had alſo been witneſſes, in the ſituation in which they then were, of caſ of this kind involving a great deal of profligacy: and former Juries had co-operated with him in entertaining the ſame ſentiments as far as they could, in adminiſtering juſti to injured plaintiffs who had ſimilar complaints to make: and both the Juries and he thought they did not tranſgreſs the line of their duty, in endeavouring not only to repair, as far as they could, the party injured, but alſo to repreſs the licentiouſneſs of the age.—Hitherto, the hiſtory of that day ſhewed that this had not yet been done. The hydra head ſprouted up; but at laſt, by perſeverance, the ſtrong man got the better. They ought not to be remiſs in their duty; but as the morals of the people were in ſome meaſure entruſted to them, it was their duty to ſee whether they could not better their morals, by making people ſenſible that their intereſt and their duty were the ſame. But in doing all this, they muſt take care to come within the legal limits. Thoſe rules which the wiſdom of former and of the preſent times had eſtabliſhed for the adminiſtration of juſtice, it would be fit to attend to, and not to violate or tranſgreſs the line of the law.

At the ſame time that he had to lament the too general depravity which produced ſuch a number of theſe caſes, it was neceſſary to notice that this ſpecies of action varied according to the circumſtances which attended it. He had frequently had occaſion to remark to Juries, that there were ſome caſes which called for the higheſt damages that could be given; others were compenſated with ſmall damages; and there were other caſes, in which the action could not be maintained, as in that of Cibber, where it was proved he actually put the man and his wife in bed together;—and it was for them to conſider whether there was any thing like that in this caſe, which in his opinion did not appear.

The

The adultery here had been clearly proved, for after Lady Valentia was gone to bed, Gawler's voice was heard in her room, and upon examining the bed on the next morning, it appeared that two persons had slept in it. At the time these two persons were married, his lordship was under twenty and the lady little more than sixteen, so that there was every reason to conclude it was a match of affection;—from that time until he was under the necessity of going abroad, all the witnesses had borne testimony that they lived in harmony and mutual happiness with each other, and which indeed had been given in so impressive a manner by Lady Lucy Maxwell, that it was but justice to observe that it did honour to her rank and station, and was such as became the grand-daughter of the virtuous Lord Littleton. But it did not rest upon her alone, for it was proved that in every place there was nothing but affection between them, and until this crime was committed there was nothing to interrupt that affection or disturb their happiness. The marriage took place in the year 1790; but he should first observe that in the year 1789, Lord Valentia was introduced to the defendant Gawler, by Henry Cavendish, and it was not at all unnatural for young minds to assimilate, and a strict friendship to be implanted in them;—in this manner then their intimacy went on until Lord Valentia's affairs became deranged, and he applied to the eldest Gawler to help him out of his difficulties. He went abroad, his house was broke up, and it was necessary the unfortunate lady should be deposited somewhere:—the defendant's father's house was thought of;—she in a distressed situation, and no longer her husband to protect and defend her;—there she was deposited and debauched. If she was seduced and by artifice bereaved of her virtue, what recompence could be made for the injury done:—true it was, as he had before remarked, that the degrees of these cases varied by the attendant circumstances.

Every

Every thing that had been urged againſt Lord Valentia had happened ſubſequent to this iniquitous tranſaction, except one inſtance mentioned by Mr. Henry Gawler, to have occurred in the year 1792; he alſo ſays he had ſome ſuſpicion of an improper intimacy, but he alſo tells you he did not communicate it to any one. As for Lord Valentia himſelf it did not appear that he had the moſt diſtant ſuſpicion until he returned from abroad, for he had to that time continued to act as a kind indulgent huſband. There could be no doubt but his lordſhip had talked language that he was ſorry to hear uſed by any one, it was diſgraceful to any order of ſociety, but when uſed by perſons of higher rank it was of the greateſt importance, as tending to corrupt the morals of the great bulk of the people, who looked up to their ſuperiors for example:—yet he could not conſider what he had ſaid to Mr. Bailey as bearing any unfavourable meaning, it rather appeared that his lordſhip was anxious for her reputation, and ſo confident in the virtue of his wife and the faith of his friend, that he not only diſbelieved reports to their prejudice, but openly teſtified that he did ſo;—for was it congenial to common ſenſe that he ſhould know himſelf to be diſgraced, and that he ſhould ſay to any one, "I came here to avow my ſhame"? This then was the main of the caſe; and it did not appear that his lordſhip had varied his conduct until after the ground of action, and if the Jury were convinced that the ſeduction took place while he was abroad, they would by their verdict endeavour to make him ſome reparation for the injury.

The Jury retired for a ſhort time, and afterwards returned a verdict for the Plaintiff—Damages TWO THOUSAND POUNDS.

MVSEVM BRITANNICVM